

App. No. 09/814,415
Amendment Dated June 16, 2005
Reply to Office Action of December 16, 2004

REMARKS/ARGUMENTS

Claims 1-31 are pending in this application. The Office Action, dated December 16, 2004, rejected claims 1-31. Claims 9 and 30 have been amended to clarify the invention. No new matter has been added by this amendment.

Claim Rejections – 35 USC §112

Claim 30 has been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which applicants regard as the invention. Claim 30 has been amended in accordance with the Examiner's presumption to clearly recite "the control component." Accordingly claim 30 is submitted to be patentable.

Claim Rejections – 35 USC § 102(e)

Claims 1-31 stand rejected under 35 USC 102 (e) as being anticipated by U.S. Patent No. 6,650,641 (Albert). Albert has an effective date for 102(e) prior art of July 2, 1999 ("critical date"). Regarding claims 1-31, applicants submit under 37 CFR §1.131 a declaration by the inventors and a supplemental affidavit by a witness to remove Albert as a reference under 35 USC 102(e). The Declaration (including Exhibits A and B) and the Supplemental Affidavit (including Exhibit I) together show in the conjunctive that an actual reduction to practice of the invention in the United States occurred before the critical date, and that conception occurred in the United States at least before February 18, 1999 and is coupled with diligent acts in the United States at least until the constructive reduction to practice occurred (the application claims benefit of application 60/191,019 filed March 21, 2000).

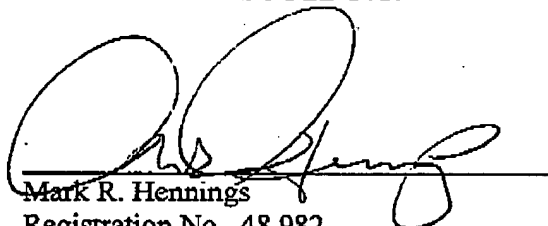
App. No. 09/814,415
Amendment Dated June 16, 2005
Reply to Office Action of December 16, 2004

In view of the attached Declarations and the Supplemental Affidavit, the applicants have demonstrated prior invention in the United States before the effective date of the Albert reference. Accordingly, Albert should be removed as a reference and claims 1-31 are submitted to be patentable.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.


Mark R. Hennings
Registration No. 48,982
Direct Dial: 206.342.6289

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200
MRH/lam

